

**Assembly Bill No. 1725**

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Passed the Assembly August 29, 2008

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*Chief Clerk of the Assembly*

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Passed the Senate August 27, 2008

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 12011.6 to the Government Code, relating to judicial appointments.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1725, Lieu. Evaluation of judicial appointments.

Existing law requires the Governor to submit the names of all potential appointees or nominees for a judicial office to a designated agency of the State Bar of California for evaluation of the qualifications of those appointees or nominees. Within 90 days of submission by the Governor, the State Bar is required to report its recommendation regarding the candidate, as specified. Existing law authorizes the State Bar, if the Governor has appointed a person to a trial court who has been found not qualified by the designated agency, to make this fact public after due notice to the appointee of its intention to do so.

This bill would provide that any State Bar recommendation reported to the Governor shall be null and void 3 years after the date of the report. The bill would require the Governor to resubmit the name of a candidate to the designated agency of the State Bar for a new evaluation and recommendation if the candidate remains under consideration for judicial appointment. Commencing January 1, 2009, upon the appointment of a person to a trial court by the Governor, the bill would require the State Bar to make public that person's rating as either "qualified" or "not qualified," as specified.

*The people of the State of California do enact as follows:*

SECTION 1. Section 12011.6 is added to the Government Code, to read:

12011.6. (a) Any State Bar recommendation reported to the Governor pursuant to Section 12011.5 shall be null and void three years after the date of the report. The Governor shall resubmit the name of a candidate to the designated agency of the State Bar for a new evaluation and recommendation if the candidate remains under consideration for judicial appointment. This subdivision shall apply to any State Bar recommendation reported to the

Governor pursuant to Section 12011.5, before, on, or after January 1, 2009.

(b) Commencing January 1, 2009, notwithstanding subdivision (g) of Section 12011.5 upon the appointment of a person to a trial court by the Governor, the State Bar shall make public that person's rating as either "qualified" or "not qualified," as reported by the designated agency of the State Bar, but that disclosure shall not constitute a waiver of privilege or breach of confidentiality with respect to communications of or to the State Bar concerning the qualifications of the appointee. For purposes of this subdivision, the State Bar shall disclose the appointee's rating as "qualified" if the person's rating as reported by the designated agency of the State Bar to the Governor is "qualified," "well-qualified," or "exceptionally well-qualified."

Approved \_\_\_\_\_, 2008

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*Governor*